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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,835	11/18/1999	YOSHIRO UDAGAWA	1232-4599	6443

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EXAMINER	
WU, DOROTHY	
ART UNIT	**PAPER NUMBER**
2615	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/442,835	Applicant(s) UDAGAWA, YOSHIRO	
	Examiner Dorothy Wu	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-24 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 25 and 26 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

2. Newly submitted claims 25 and 26 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The applicant did not claim the changing of white balance in accordance with the on/off state of a display unit in the originally filed claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 25 and 26 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-8, 9, 14-17, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Okino, U.S. Patent 5,617,139.

Regarding claim 1, Okino teaches an image pickup apparatus comprising: an image pickup device (image pickup element 3) which picks up an image of an object to be recorded (Fig. 1); operation pickup unit (computation control circuit 14) which controls said image pickup device (Fig. 1), said operation means having a first operation and a second operation (colorimetry 302, fine white balance adjustments 303-308) (Fig. 4); and white balance control unit (computation control circuit 14) having a first information acquisition mode of acquiring information about white balance (colorimetry 302) before said second operation (fine white balance adjustments 303-308) by said operation unit and executing an image pickup operation of said image pickup device in accordance with said second operation (fine white balance adjustments 303-308) of said operation unit at a timing after said first operation (col. 4, lines 45-48; Fig. 4), and a second information acquisition mode of acquiring information about white balance (white balance based on flash light, ambient light, or both) in accordance with said second operation (fine white balance adjustments 303-308), wherein said white balance control unit controls white balance of an image picked up on the basis of information determined in the fine white balance adjustments 303-308, which reads on controlling white balance in accordance with said second operation, on the basis of the information about white balance obtained in said first and said second information acquisition operations (colorimetry 302, fine white balance adjustments 303-308) (Fig. 4).

Regarding claims 9 and 17, because the apparatus according to the limitations of claim 1 is taught, the method and program corresponding to the apparatus are also taught.

Regarding claim 6, Okino teaches a strobe unit (flash device 12) which illuminates an object (Fig. 1), and that said white balance control unit computes

information about white balance of the image picked up in accordance with the second operation by using a white balance coefficient, as an initial value, which is obtained on the basis of information about white balance acquired on the basis of the first operation (colorimetry) and information about white balance stored (color temperature of flash device), when said white balance control unit causes said strobe unit to illuminate the object (col. 4, line 59-col. 5, line 2). A storage unit that stores information about white balance for the strobe unit is inherently taught.

Regarding claims 14 and 22, because the apparatus according to the limitations of claim 6 is taught, the method and program corresponding to the apparatus are also taught.

Regarding claim 7, Okino teaches that the color temperatures of ambient light and the strobe are average to achieve white balance (col. 4, line 66-col. 5, line 2), which reads on said white balance control means controlling white balance on the basis of a white balance coefficient computed on the basis of computed information about white balance and information about white balance stored in said storage means, when said strobe unit illuminates an object.

Regarding claims 15 and 23, because the apparatus according to the limitations of claim 7 is taught, the method and program corresponding to the apparatus are also taught.

Regarding claim 8, Okino teaches that the color temperatures of ambient light and the strobe are average to achieve white balance (col. 4, line 66-col. 5, line 2), which reads on said white balance control unit controlling white balance on the basis of information about white balance acquired in the second information acquisition mode about white balance stored in said storage unit, when said white balance control unit causes strobe unit to illuminate the object.

Regarding claims 16 and 24, because the apparatus according to the limitations of claim 8 is taught, the method and program corresponding to the apparatus are also taught.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2, 4, 5, 10, 12, 13, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okino, U.S. Patent 5,617,139, in view of Kutaragi, U.S. Patent 4,584598.

Regarding claim 2, Okino teaches the apparatus of claim 1. See above. Okino does not teach a display unit that displays an image picked up by an image pickup device. Kutaragi teaches that the image data subject to white balance is displayed on a monitor (col. 1, lines 20-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the display unit of Kutaragi to the apparatus of Okino. One of ordinary skill in the art would have been motivated to make such a modification to view the image that has been subject to white balance correction.

Regarding claims 10 and 18, because the apparatus according to the limitations of claim 2 is taught, the method and program corresponding to the apparatus are also taught.

Regarding claim 4, Okino teaches that information about white balance acquired in the first operation is used as information about white balance in the first information acquisition mode (Fig. 4).

Regarding claims 12 and 20, because the apparatus according to the limitations of claim 4 is taught, the method and program corresponding to the apparatus are also taught.

Regarding claim 5, Okino teaches that the white balance control unit acquires information about white balance (white balance for flash light, ambient light, or both) in the second information acquisition mode on the basis of information involving distance measuring (col. 4, lines 50-58; col. 5, lines 48-55). The image picked up to measure object distance is inherently taught.

Regarding claims 13 and 21, because the apparatus according to the limitations of claim 5 is taught, the method and program corresponding to the apparatus are also taught.

5. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okino, U.S. Patent 5,617,139, in view of Kutaragi, U.S. Patent 4,584598, and further in view of Sansom-Wai et al, U.S. Patent 6,411,331.

Regarding claim 3, Okino in view of Kutaragi teach the apparatus of claim 2. See above. Okino in view of Kutaragi do not teach that the white balance control unit computes information about white balance on the basis of an image picked up by said image pickup device at the first operation timing. Sansom-Wai teaches that white balance is determined from image data (col. 6, 42-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the practice of determining white balance data by analyzing captured image data taught by Samson-Wai in the apparatus of Okino in view of Kutaragi to make an apparatus that performs colorimetry and distance measurement operations to determine white balance

by analyzing image data. One of ordinary skill would have been motivated to make such a modification obtain more image-specific information for correcting white balance.

Regarding claims 11 and 19, because the apparatus according to the limitations of claim 3 is taught, the method and program corresponding to the apparatus are also taught.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dorothy Wu whose telephone number is 703-305-8412. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dorothy Wu

DW
March 17, 2004

ANDREW CHRISTENSEN
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